



The Salisbury Planning Board held its regular meeting Tuesday, October 23, 2007, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Karen Alexander, Dr. Mark Beymer, Robert Cockerl, Craig Neuhardt, Sandy Reitz, Jeff Smith, Valerie Stewart, Albert Stout, Price Wagoner and Diane Young

ABSENT: Richard Huffman and Tommy Hairston

STAFF: Janet Gapen, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, and Joe Morris

MEDIA: Mark Wineka, *Salisbury Post*

Dr. Mark Beymer, Chairman, called the meeting to order and offered an invocation. The minutes of the October 9 and October 18, 2007, meetings were approved as submitted. The Planning Board adopted the agenda as submitted. Dr. Beymer explained the courtesy hearing procedures.

SPECIAL COMBINED ZONING MAP & TEXT AMENDMENT **To Affect all Properties within the Zoning Jurisdiction of the City of Salisbury**

Z-11-07 City of Salisbury (Map Amendment)

Request to amend the Official Zoning Map by repealing the Official Zoning Map of the City of Salisbury and replacing it with the Land Development District Map of the City of Salisbury as part of the proposed Land Development Ordinance.

T-02-07 City of Salisbury (Text Amendment)

Request to amend the Code of Ordinances of the City of Salisbury by repealing Appendix A, The Subdivision Ordinance of the City of Salisbury, North Carolina, and Appendix B, The Zoning Ordinance of the City of Salisbury, North Carolina, and replacing these appendices with Appendix A, The Land Development Ordinance of the City of Salisbury, North Carolina.

For the public's information, staff made a presentation that will air on Access 16 explaining the proposed Land Development Ordinance. A Courtesy Hearing was held October 18 at One Water Street at 6:30 p.m. This is the second Courtesy Hearing. The City has erected signs and purchased advertisements in the *Salisbury Post*. The Council of Governments has provided staff with the correct public notification requirements. The minutes of the September 25, 2007, and October 18, 2007, meetings contain much of the presentation Mr. Mitchell made at this meeting. Questions should be directed to Mr. Mitchell via 704-638-5244 or pmitc@salisburync.gov.

Planning Board will present their recommendations to City Council November 6, 2007. A public hearing on this issue is proposed for November 20, 2007, at 4 p.m. in the Council Chamber. The City Council is tentatively set to make their consideration December 4, 2007. The effective date will be determined by City Council at a later date.

Note: Maps and chapters of the proposed code can be viewed at <http://www.salisburync.gov/lm&d/ldoc/index.html>.

The Land Development Ordinance is proposed to be a unified, form-based development code. It enables the Salisbury Vision 2020 Comprehensive Plan. This code proposes to allow a predictable process; it protects the edges of neighborhoods, provides reasonable design standards, increases residential density, provides infill protections, encourages reasonable connectivity to reduce congestion on major roadways, introduces open space requirements, improves walkability, protects the character of Salisbury, and follows the belief that one size does not fit all. This code is believed to be consistent with other plans currently adopted by the City Council. (2000 Growth Plan, The Downtown Master Plan, The Park Avenue Strategic Redevelopment Plan, and the North Main Small Area Plan)

Questions from the public

Esther Marioneaux of the Sedgefield Acres Neighborhood congratulated the Planning Board for their work and noted that she had served on the Planning Board in the past. She lives in the only black subdivision in Salisbury, which was developed by Leo Wallace in 1962. Living in this neighborhood has made her very happy with Salisbury. She described Salisbury as an historic, progressive city that wants to do the right thing.

The City of Salisbury has purchased some land in her area and she wanted to know the future of those lots. Staff suspected that the Community Development Corporation has plans for those lots; Janet Gapen will get information for her. Ms. Marioneaux hopes that the neighborhood will be informed about the progress of those lots.

She said her street's name was changed from Crestview Drive (originally Calla Street in 1962) to Crestview Lane about five years ago because the name was used in two other neighborhoods (Airport Drive and Granite Quarry). Ms. Marioneaux had objected strongly and disregarded the change because the name was first theirs; she would have to change all printed material, and she would have to change her address in all correspondence. She is having a difficult time directing her mail after living in that location nearly 45 years. Staff thought that this was an action taken by the "911" Rowan County emergency plan and will follow up.

George Busby, of 226 Confederate Avenue, is an Architect and Town Planner who served on the Land Development Ordinance Committee for three and one-half years. One of the primary objectives of the committee was to bring all the different codes into one document.

Page 2-13 of the proposed code says there are six overlay districts. In the section about the East Innes Street Gateway Overlay, there is a reference to an appendix that is not included in the final draft; previous drafts had that written out and Mr. Busby said it is important that it be included.

Chapter 14 of the proposed code has to do with agencies, boards and commissions. This chapter defines the role of the Salisbury Planning Board. Page 14-2 lists the authorities and restrictions under which Planning Board operates. He hopes that Planning Board takes this list under consideration, because Mr. Busby believes that Planning Board's influence is drastically reduced. He recommended that once a year Planning Board should hold an open house for the community and developers to speak. He would like to see quarterly reports from the Planning Board to the community. "Planning Board has a right to request a change in the role that you play."

Mr. Busby recommends that the Planning Board return the proposed Land Development Ordinance to the committee requesting an outside review, proofread the document prior to adoption, that it be given a legal review, and then resubmit it to Planning Board.

Dr. Beymer stated that the City's attorney, Rivers Lawther, has reviewed the proposed code. Preston Mitchell reported that the initial document—which everyone knew would be customized—was brought forward by our consultant who knew very well the legal implications of a form-based code and how form-based coding is administered. The proposed code meets all of the general statutes of North Carolina. Staff consulted with the Institute of Government at UNC Chapel Hill and the Centralina Council of Governments throughout the process. When the document was in final draft form, it was immediately sent to Rivers Lawther. In addition, several local private attorneys have had an opportunity to review the document. Planning Board has a member who is an attorney who has also had the opportunity to review the document.

Dr. Beymer stated that Planning Board still has a role in the proposed code that includes checks and balances (ZBA) in the process. The committee recommendation states that the proposed code is consistent and the rights of the individuals and organizations still are protected around due process. Mr. Busby's concerns are going to be covered.

No one spoke directly in favor or in opposition of the proposed map and text amendments.

Board Discussion

In the Resolution of Legislative Intent, there are three items City Council authorized the Salisbury Planning Board to review regarding the proposed Land Development Ordinance Code:

- Evaluation of overarching intent to enable the Vision 2020 Comprehensive Plan while retaining time-proven and tested aspects of the current Zoning Ordinance.
- Compliance with the principles of due process and the community's expectation and obligation to serve the public interest.
- Enumeration of any technical clarifications to facilitate administration of the code.

Preston Mitchell provided a memorandum listing each technical clarification from Legislative Committee C in detail. Dr. Beymer will submit a letter from Planning Board directly to the City Council, signed by Diane Young, Vice Chair, and Dr. Mark Beymer, Chair, stating the recommendations today from the Planning Board. The complete text will be sent via email or a copy will be provided to each member of the Planning Board.

- Evaluation of overarching intent to enable the Vision 2020 Comprehensive Plan while retaining time-proven and tested aspects of the current Zoning Ordinance.
 - **Section 1.7 (pg.1-4):** Based on the level of importance and relevance to the proposed ordinance, the committee recommends removing conformance with the 2000 Growth Plan–The Strategic Growth Plan adopted by the City of Salisbury in 1988. We need to focus on the Vision 2020 Comprehensive Plan.

Jeff Smith made a MOTION to recommend that after evaluating the proposed Land Development Ordinance that it does enable the Salisbury Vision 2020 Comprehensive Plan while retaining time-proven and tested aspects of the current zoning ordinance.

Mr. Smith said that there is a significant change in the collective vision of the community that can be seen from the Strategic Growth Plan adopted by the City of Salisbury in 1988 to the Salisbury Vision 2020 Comprehensive Plan that was adopted in 2001. That change has been something that the Planning Board has been trying its best to encourage and enable with a “duct taped” ordinance. It has caused a lot of “unpredictability” not only for developers but for the community and neighborhoods/citizens. We must make sure that we not only allow but encourage as much as we can the Salisbury Vision 2020 Comprehensive Plan. The exhausted line-by-line review of the Land Development Ordinance Committee has created a draft that can move Salisbury forward in conjunction with the Salisbury Vision 2020 Comprehensive Plan while still blending pertinent aspects of the current existing city code. Include in the statement to City Council that Planning Board recommends removing Section 1.7.a (pg. 1-4) in the conformance with the “Strategic Growth Plan.”

Diane Young stated that in the last couple of years she has been frustrated time and time again when “we have looked at rezonings and site plans and we did not have the tools within the ordinance to make the Salisbury Vision 2020 Comprehensive Plan happen.” This proposed ordinance gives the city as a whole a tool to make the visions in the “2020 Plan” realities. She is very much in belief or in favor of the motion.

Karen Alexander stated that she is also in favor of this motion. She believes that many people have had their eyes on the proposed code as we have moved through the process. We have had comments from the development community, from the design community, and from citizens. It is important for everyone to realize, especially the public, that this is a living document. There is within the document the ability, through a process, to have this code change when we come up with an issue. Preston Mitchell did a great job in the presentation of the “one size does not fit all.” From a design standpoint, as well as a development standpoint, she is totally in favor of this document and this motion.

Sandy Reitz seconded the motion with all members voting AYE. (10-0)

Note:

- Section 2.7 (pg. 2-24): Need to clearly define the meaning of 'Permitted as New Development' (PND). Although the LDOC, Legislative Committee C, and staff recognize the intent of PND, we need to clearly define that this means "as part of a larger common plan of development".
- Section 2.7 (pg. 2-24): Need to change the use of Multi Family (4 units or less) from P to PS in the URP to clarify that those duplexes, triplexes, or quads specifically constructed as such may remain as a permitted use; otherwise, no new development of the type.
- Compliance with the principles of due process and the community's expectation and obligation to serve the public interest.

There was a discussion on open Technical Review Committee meetings and the makeup of the TRC. Diane Young is comfortable that the public will not be left out of the process.

Jeff Smith stated that he welcomes the changes to Planning Board. For many years Planning Board has been transactional. He looks forward to the role of the Planning Board becoming more about planning. The proposed LDO codifies many of the protections that neighborhoods and citizens have had to come to fight for—these protections are now built in. They can fight the battle one time to change the code if need be.

The codification of the expectations for a more streamlined administrative approval process for the development community is also a welcomed change. Jeff went on to say that this code represents long-accepted community norms for Salisbury.

Robert Cockerl initially had reservations that, through streamlining the process, citizens would be limited in opportunities to contribute their opinions or protests. After attending Legislative Committee C meetings, he feels there are opportunities for the public input and this code does protect the public's rights and interests.

Craig Neuhardt agreed that the Planning Board has an important role in the future of Salisbury.

Jeff Smith made a MOTION that Planning Board make a statement to City Council that Planning Board finds the new proposed Land Development Ordinance is in compliance with the principles of due process and the community's expectation and obligation to serve the public interest. Robert Cockerl seconded the motion with all members voting AYE. (10-0)

- Enumeration of any technical clarifications to facilitate administration of the code.

Jeff Smith made a MOTION to approve the list of technical alterations and clarifications provided in the memorandum dated October 23, 2007. Price Wagoner seconded the motion with all members voting AYE. (10-0)

The committee reviewed the list item-by-item. It has been scrutinized. Sandy Reitz thanked Legislative Committee C, staff, and individuals for the enormous amount of time and effort they put into this.

Diane Young commented that Mr. Busby brought up the issue of proofreading. Anytime you put together a document of this magnitude you are going to find "spots" that do not direct you as was intended. We have to get those things worked out. From a technical standpoint we don't need to hold up the code for a proofreading issue. The Planning Board believes that is another step.

Jeff Smith requested clarification from staff regarding Section 2.6A, Overlay Districts; be sure the omitted section is not overlooked. Joe Morris answered that it was an oversight and appreciated it being pointed out. Staff had direction from the committee from the outset not to change the eastern gateway overlay plan. It needs to be inserted in the document that goes to City Council. We need to add it to the list.

Jeff Smith added that Planning Board needs to look at the Rules of Procedure as soon as possible. Should TRC report back to Planning Board? There are some things Planning Board is accustomed to having.

Diane Young made a MOTION to add two items to the memorandum from Preston Mitchell dated October 23, 2007. (1) Section 2.6A, Overlay Districts; to attach the East Innes Street Gateway Overlay as Appendix A to the document, and (2) there needs to be a consistent proofreading of the document prior to it going into affect. Albert Stout seconded the motion with all members voting AYE. (10-0)

Text Amendment

Jeff Smith made a MOTION that, "The Planning Board finds and determines that text amendment petition T-02-07 is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan, the Downtown Master Plan, the Park Avenue Neighborhood Strategic Redevelopment Plan, and the North Main Small Area Plan of the City of Salisbury and hereby recommends Approval."

"The Planning Board also finds and determines that the text amendment petition is not inconsistent with the goals, objectives, and policies of the 2000 Growth Plan, and hereby recommends Approval." Albert Stout seconded the motion with all members voting AYE. (10-0)

Zoning Map Amendment

Jeff Smith said we spent a lot of time talking about the text and not as much time talking about the map. There was an overall review by a subcommittee of the Land Development Ordinance Committee. Surprisingly, there were only a few places where there needed to be a more subjective review. There were about 31 properties identified by the subcommittee as exceptions and presented to Legislative Committee C. He stated that he was very confident in the conversion and the new mapping using the proposed new districts.

Mark Beymer stated that he was impressed with the research done by staff concerning the exceptions. Each case was meticulously evaluated.

Jeff Smith said work has been created for Planning Board “right out of the gate.” The direct conversions call out some specific examples where the board may have to redistrict.

Diane Young made a MOTION that, “I find that this petition, Z-11-07, is consistent with the goals, objectives, and policies of the 2000 Growth Plan, Vision 2020 Comprehensive Plan, the Downtown Master Plan, the Park Avenue Neighborhood Strategic Redevelopment Plan, and the North Main Small Area Plan of the City of Salisbury, and hereby recommend Approval. The motion was seconded by Price Wagoner with all members voting AYE. (10-0)

Dr. Beymer proposed that he draft a letter to be reviewed by the Planning Board and submitted to City Council to include a recommendation of an effective date of January 1, 2008. All new applications submitted to the City as of that date would be processed under the new ordinance. (The City attorney has drafted some language on this matter.) Any project submitted and fee paid prior to the effective date will fall under the current (old) code.

Diane Young made a MOTION to move past 6 o'clock. All members agreed.

COMMITTEES

A. Committee 1—renaming a street after Dr. Martin Luther King, Jr.

Mark Beymer, Chair; Robert Cockerl, Sandy Reitz, Karen Alexander (Alternate)—The committee met Tuesday, October 16 at 7:30 a.m. in the second floor Conference Room at City Hall. The committee recommends that we do, in fact, rename “Boundary Street” “Martin Luther King, Jr. Avenue.” While the name “Boundary Street” has been a name that served the city well, it is no longer the city boundary. This is a good choice of streets. It is wide for much of its length and it does cross a number of intersections and would allow the name Martin Luther King, Jr. to be displayed appropriately. This will go to City Council in the form of a resolution.

All members voted AYE to rename Boundary Street reading the following resolution into the record.

**RESOLUTION RECOMMENDING THE RE-NAMING OF A PUBLIC STREET IN THE
CITY OF SALISBURY, NORTH CAROLINA TO
MARTIN LUTHER KING, JR. AVENUE**

WHEREAS, the City Council of the City of Salisbury has adopted a goal to re-name a public street in honor of Dr. Martin Luther King, Jr. in recognition of his influence on civic affairs of the Salisbury community, his exemplary leadership, his national and international accomplishments, and his inspirational behavior; and

WHEREAS, the City of Salisbury is committed to the process of public participation in carrying out community objectives; and

WHEREAS, the City of Salisbury's policies regarding the re-naming of major streets require review and recommendation by the Salisbury Planning Board, and,

WHEREAS, the Salisbury Planning Board duly convened Committee 1 to consider and recommend re-naming a public street in honor of Dr. Martin Luther King, Jr.; and

WHEREAS, the Salisbury Planning Board serving in an advisory capacity to the City Council in matters related to transportation and land use policy states

NOW, THEREFORE, BE IT RESOLVED, the Salisbury Planning Board hereby recommends that Boundary Street, from Bringle Ferry Road to Jake Alexander Boulevard, be re-named to:

Martin Luther King, Jr. Avenue

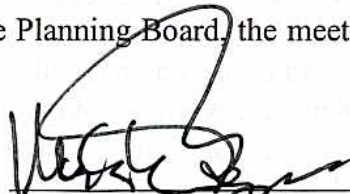
Adopted this 23rd day of October, 2007.

B. Legislative Committee A—T-01-07/Signs

Valerie Stewart, Chair; Jeff Smith, Mark Beymer, Robert Cockerl, Karen Alexander, and Richard Huffman—The committee will meet October 30, from 11:30 a.m. until 1 p.m. in the second floor conference room at City Hall. Lunch will be provided and the Community Appearance Commission sign committee will be invited.

C. Legislative Committee C—Land Development Ordinance (LDO) will no longer meet on a regular basis.

There being no further business to come before the Planning Board, the meeting was adjourned at 6:15 p.m.



Dr. Mark Beymer, Chair



Secretary, Diana Moghrabi

Diane Young, Vice Chair